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7 Attorneys for Defendant  
8 Adobe Systems Inc.

9  
10 UNITED STATES DISTRICT COURT  
11  
12 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

13 IN RE: HIGH-TECH EMPLOYEE  
14 ANTITRUST LITIGATION

15 THIS DOCUMENT RELATES TO:  
16 ALL ACTIONS

**Master Docket No. 11-CV-2509-LHK**

**DECLARATION OF LIN W. KAHN  
IN SUPPORT OF DEFENDANTS'  
JOINT RESPONSE TO PLAINTIFFS'  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL**

17 Date Consolidated Amended Compl. Filed:  
September 13, 2011

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1 I, Lin W. Kahn, declare as follows:

2       1. I am an attorney with the law firm of Jones Day, counsel for Defendant Adobe  
 3 Systems Inc. (“Adobe”) in the above-captioned action. I am admitted to practice law before this  
 4 Court. I submit this declaration in support of Defendants’ Joint Response to Plaintiffs’  
 5 Administrative Motion to File Under Seal. As an attorney involved in the defense of this action,  
 6 unless otherwise stated, I have personal knowledge of the facts stated in this declaration and if  
 7 called as a witness, I could and would competently testify to them.

8       2. I have reviewed Plaintiffs’ Notice of Motion and Motion for Application of Per Se  
 9 Standard (“Plaintiffs’ Per Se Motion”) and the Declaration of Lisa J. Cisneros in Support of  
 10 Plaintiffs’ Memorandum of Law In Support of Application of the Per Se Standard (“Cisneros  
 11 Decl.”).

12       3. As described below, the information requested to be sealed contains or  
 13 summarizes Adobe’s compensation and recruiting data, practices, strategies and policies. Adobe  
 14 has designated this information as “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” pursuant  
 15 to the Protective Order in this case. (ECF No. 107).

16       4. The October 9, 2012 Declaration of Donna Morris In Support of Defendants’ Joint  
 17 Response to Plaintiffs’ Administrative Motion to File Under Seal (ECF No. 196) (“10/9/2012  
 18 Morris Decl.”), the January 9, 2014 Declaration of Jeff Vijungco in Support of Motion to Seal  
 19 (ECF No. 578), and the Declaration of Rosemary Arriada-Keiper in Support of Motion to Seal  
 20 (ECF No. 579) establish that Adobe’s compensation data, practices, strategies and policies, as  
 21 well as its recruiting data, practices, strategies and policies (such as the information sought to be  
 22 redacted below), are confidential and commercially sensitive. As stated in these declarations, it  
 23 is Adobe’s practice to keep such information confidential, for internal use only, and not to  
 24 disclose them to the public.

25       5. Moreover, these declarations establish that the public disclosure of this  
 26 information would competitively harm Adobe, including impairing its competitive position in  
 27 recruiting, hiring, and compensating employees. Ms. Arriada-Keiper and Mr. Vijungco declared  
 28 that Adobe derives independent economic value from keeping its compensation data and

1 compensation, recruiting and hiring practices, strategies, and policies confidential, including  
 2 keeping it from other persons, entities, and/or competitors who could obtain economic value from  
 3 its disclosure or use.

4       6. Furthermore, as stated in the above declarations, the public disclosure of this  
 5 information, created for internal use, would give third-parties insights into confidential and  
 6 sensitive aspects of Adobe's operations and deprive Adobe of its investment in developing these  
 7 practices, strategies, and policies. These declarations further establish that such disclosure would  
 8 give other entities an unearned advantage by giving them the benefit of knowing how Adobe  
 9 compensates employees and Adobe's compensation, recruiting, and hiring practices, strategies,  
 10 and policies.

11       7. In addition to the above, Adobe's declarations filed in support of the Opposition to  
 12 Plaintiffs' Motion for Class Certification also establish the confidentiality of Adobe's  
 13 compensation and recruiting data, practices, strategies and policies. In particular, the Declaration  
 14 of Donna Morris of Adobe Systems Inc. in Support of the Opposition to Plaintiffs' Motion for  
 15 Class Certification (ECF No. 215, Exhibit 14) ("11/9/2012 Morris Decl."), paragraph 3,  
 16 establishes that Adobe's salary and compensation data, policies and strategies are confidential and  
 17 that public dissemination of that information could cause Adobe competitive harm. The  
 18 Declaration of Jeff Vijungco of Adobe Systems Inc. in Support of the Opposition to Plaintiffs'  
 19 Motion for Class Certification (ECF No. 215, Exhibit 15) ("Vijungco Decl."), paragraph 3,  
 20 similarly establishes that Adobe's recruiting and hiring data, policies and strategies are  
 21 confidential and that public dissemination of that information could cause Adobe competitive  
 22 harm.

23       8. Specifically, Adobe seeks to keep the redacted parts of the following documents  
 24 under seal:

**25 Cisneros Ex. 7, December 6, 2013 Amended Expert Report of Edward A. Snyder, Ph.D.**

26       9. Adobe seeks to seal the following portions of the December 6, 2013 Amended  
 27 Expert Report of Edward A. Snyder, Ph.D.:

28           a) Redacted portion of paragraph 36 and footnote 15 on pages 17 to 18 contain

1 confidential information regarding Adobe's recruiting and hiring strategies and  
2 practices.

3 **Cisneros Ex. 10, December 11, 2013 Rebuttal Report of Matthew Marx**

4 10. Adobe seeks to seal the following portion of the December 11, 2013 Rebuttal  
5 Report of Matthew Marx:

- 6 a) Exhibit 3 reveals confidential information about the number of employees at  
7 Adobe in a specific position.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is  
9 true and correct. Executed this 14th day of April 2014 in San Francisco, California.

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11 By: /s/ Lin W. Kahn

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